



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/12/23

Nicholas C. Margida  
Assistant Chief Litigation Counsel  
Division of Enforcement  
Tel: (202) 551-8504  
MargidaN@sec.gov

MEMO ENDORSED

January 11, 2023

VIA ECF

The Honorable Judge Colleen McMahon  
United States District Court Southern District of New York  
500 Pearl Street, Room 24A  
New York, New York 10007

OK

Re: *SEC v. Airborne Wireless Network, et al.*, 21 Civ. 1772 (CM)

Dear Judge McMahon:

Colleen McMahon  
1/12/23

Pursuant to Section I.D of the Court's Individual Practices and Procedures ("IPPs"), Plaintiff Securities and Exchange Commission ("SEC") and Defendants Airborne Wireless Network ("Airborne"), Kalistratos Kabilafkas, Timoleon Kabilafkas, and Jack Edward Daniels ("Daniels"), and Relief Defendants Timoleon Kabilafkas, in his capacity as trustee of the Tim Kabilafkas Revocable Trust dated July 24, 2001 ("TKRT") and Magdaline Kabilafkas, in her capacity as trustee of the Magdaline Kabilafkas 1989 Trust dated May 27, 1989 ("MKRT") (collectively, the "Parties"), jointly request the Court extend by four (4) weeks the Parties' January 20, 2023 deadline to file the Joint Pretrial Order, as set forth in the Court's most recent scheduling order (ECF No. 179).

As the Court is aware, the Parties, on January 6, 2023, completed extensive briefing regarding the SEC's motion for summary judgment, and Defendants' cross-motion for summary judgment. *See* ECF Nos. 184-185, 188-191, 193-198, 201-209, 212, 214-218, and 223-226. The Parties respectfully submit that good cause exists to grant the Parties' request for an additional four (4) weeks, given the scope of the issues to be tried and the voluminous evidentiary record. The Parties' request would also provide necessary time for counsel to confer and agree on certain contents of the Joint Pretrial Order, including the written description of the nature of the case, stipulated facts, and the issues to be tried. *See* Annex A, Form of Pretrial Order, attached to the Court's IPPs, §§ I, III, and V. Lastly, notwithstanding that requests like the instant one are "disfavored" (Court's IPPs, § VII.B), the Parties respectfully submit that granting the requested extension would not unnecessarily delay this litigation, given the recent completion of

summary judgment briefing and the fact that there are no additional pending deadlines in the case.

The Parties previously filed two letter motions requesting extensions with respect to the then-pending deadlines to file summary judgment briefing (and as a consequence the joint pre-trial order deadline, as well). ECF Nos. 170 and 178. The Court granted the requested extensions. ECF No. 171 and 179. As noted above, the requested extension would not affect any additional pending deadlines.

Accordingly, the Parties respectfully request that the Court grant the requested four-week extension and reset the deadline for the Parties to file the Joint Pretrial Order for February 17, 2023.

Respectfully submitted,

/s/ Mark E. Bini

Mark E. Bini  
Charles Hyun  
*Counsel for Kalistratos Kabilafkas*

/s/ Nicholas Margida

Nicholas Margida  
Daniel Maher  
*Counsel for Plaintiff*  
*U.S. Securities and Exchange Commission*

/s/ Sam Edgerton

Samuel Edgerton  
*Counsel for Jack Daniels*

/s/ Robert Knuts

Robert Knuts  
*Counsel for Airborne Wireless Network*

/s/ David Chase

David Chase  
*Counsel for Timoleon Kabilafkas,*  
*individually, and as trustee for the Tim*  
*Kabilafkas Revocable Trust*

/s/ Jonathan Bach

Jonathan Bach  
*Counsel for Magdaline Kabilafkas, as*  
*Trustee for the Magdaline Kabilafkas*  
*Revocable Trust*

Cc: All counsel of record (via ECF)